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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,511	12/22/2003	Michael S. Bittar	1391-42100	8173

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EXAMINER

PATIDAR, JAY M

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/743,511

Applicant(s)

BITTAR ET AL.

Examiner

Jay M. Patidar

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 21-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. This communication is in response to applicants response filed on June 21, 2005.
2. Claims 25-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 21, 2005.
3. Claims 1-8,21-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 21, 2005. The traversal is on the ground(s) that there will be no serious additional burden on the examiner to examine these claims. This is not found persuasive because claims 9-20 can be read on figure 8 while other claims cannot be read on this figure. Claims 1 and 6 claim Y equal to X, which is not in fig. 8 and claim 21 claims that monitor electrode disposed more remotely from the first current source than said first current return. Fig. <sup>8</sup>~~7~~ has monitor electrode more remotely from current return than current source.

The requirement is still deemed proper and is therefore made FINAL.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The disclosure is objected to because of the following informalities: There is no description of figures 21,22, the reference numerals e.g. 2001-2007 are not in the specification.

Appropriate correction is required.

6. Figures 2-3A,B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. Claim 14 is objected to because of the following informalities:

In claim 14, the phrase "at a different location around said circumference" is vague since it is unclear as to whether it is disposed circumferentially different location or linearly different location.

Appropriate correction is required.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9,10,14,16-17,19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sezginer et al. (5,510,712).

As to claim 9, Sezginer discloses a resistivity tool having a length having a current source at a first location along said length, a current return at a second location along said length e.g. A2-B2, a monitor electrode e.g. M3, said monitor electrode at a third location along said length, said third location not between said first location and said second location (See fig. 3).

As to claims 10,14,19, Sezginer discloses a second current source at a third location along said length, a second current return at a fourth location along said length e.g. A1-B1, said monitor electrode (first or second monitor electrode) not being at a location between said second current source and said second current return (fig. 3).

As to claim 16, the current source, current return and monitor electrode are arranged linearly as shown in figure 3.

As to claim 17, the tool in Sezginer is compensated resistivity tool (col. 3, line 61).

As to claim 20, the resistivity tool in figure 3 measures resistivities at multiple depths of investigation (col. 5, line 23).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13,15,18 rejected under 35 U.S.C. 103(a) as being unpatentable over Sezginer in view of Chen (6,191,588).

As to claims 12-13, Sezginer discloses the resistivity tool with monitor electrodes M1-M3 arranged linearly along the length of the tool. Sezginer fails to show monitor electrodes arranged horizontally. Chen is cited to show this feature. Chen teaches to use monitor electrodes 32 arranged horizontally (Note fig. 3). Consequently, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Sezginer to have monitor electrodes arranged horizontally as disclosed by Chen to measure the voltage difference between the monitor electrodes, the voltage difference between a pair of electrodes in the array provides the resistivity of the formation bed adjacent to the electrodes.

As to claim 15, Chen discloses an arm and a pad attached to the art (fig. 1).

As to claim 18, Sezginer and Chen do not explicitly show uncompensated resistivity tool, however it is conventional in the related art to employ such uncompensated resistivity tool.

10. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

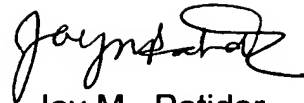
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay M. Patidar whose telephone number is 571-272-2265. The examiner can normally be reached on M-Thur 7:00-5:30.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A handwritten signature in black ink, appearing to read "Jay M. Patidar", with a stylized flourish at the end.

Jay M. Patidar  
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August 31, 2005